IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,))
Plaintiff,) Civil Action No.
v.) 04-cv-10357-RCI
MOSHE HANANEL,)
Defendant.)

OPPOSITION OF HANANEL TO MOTION FOR LETTERS ROGATORY (HO)

Defendant Moshe Hananel ("Hananel") opposes the Motion of Plaintiff Sheldon Adelson ("Adelson") for letters rogatory (and request for international judicial assistance) to take the deposition of Eric Ho in Macau, China and requests that the Court deny the motion without prejudice to its renewal following the Court's decision on Hananel's pending Motion to Dismiss for Forum Non Conveniens. As grounds, Hananel says:

- 1. In January 2005 this Court denied without prejudice Hananel's previous forum non conveniens motion, allowing its renewal after resolution of the jurisdiction question.

 Electronic Order dated January 19, 2005; *see* Report and Recommendation on Defendant's Renewed Motion to Dismiss For Lack Of Personal Jurisdiction (Magistrate Judge Sorokin), Oct. 31, 2005, Dkt # 78 at 2. Hananel's pending motion papers fully describe the ongoing prior litigation in Israel between Hananel and Adelson involving precisely the same issues, and set forth the substantial activity which has occurred over the preceding four years leading towards trial in Israel. Hananel's papers also set forth additional grounds for dismissal under the doctrine of forum non conveniens.
- 2. The interests of justice will be served by denying Adelson's motion without prejudice. The Court should postpone consideration of the merits of Adelson's motion for letters

rogatory until after decision of the Motion to Dismiss, because consideration of the merits of allowing this expensive proposed discovery, is an expense to the parties and the Court that would be rendered unnecessary by a dismissal.

3. Hananel has also filed a Motion to Postpone Discovery (Dec. 15, 2005) which is pending before the Court, stating additional grounds for denying the motion for letters rogatory.

WHEREFORE, the Court is requested to deny the Motion of Adelson for letters rogatory (and request for international judicial assistance) to take the deposition of Eric Ho in Macau, China, without prejudice to its renewal following the entry of decision by this Court on Hananel's Motion to Dismiss for Forum Non Conveniens.

Respectfully submitted, MOSHE HANANEL By His Attorneys,

/s/ James A. G. Hamilton
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